

REMARKS

Claims 38 and 39 have been amended. Amendments have been made for the sole purpose of improved clarity, and not for reasons related to patentability. Support for the amendments may be found, for example, in paragraphs [0059], [0133] and [0134] of the instant published application. No new matter has been added. (Reference to the specification, both here and below, is for exemplary purposes only, and not intended to limit the scope of the invention to such embodiment(s)).

Claims 27-30 and 35-41 have been rejected under 35 USC 103(a) as unpatentable over Nonaka (US Pub. 2003/0046238) in view of Wang (US Pub. 2002/0191950), further in view of England (US Pub. 2002/0006204). The rejection is respectfully traversed.

The Examiner states that Nonaka and Wang disclose the instant claimed invention, except for assigning electronic signatures, checking the validity of the special sections and playback mode and determining when the special section and playback mode is valid. However, England is cited as disclosing these features. Applicant respectfully disagrees.

The instant invention relates to a content distribution server that distributes a content key, encrypted content using the content key and playback control information describing a playback mode restriction for a specific section of content to a content playback terminal. The playback control information determines whether the playback terminal can playback the encrypted content when the specific section of content has not been restricted. More specifically, a terminal memory stores a content key, a usage condition, special sections (subject to a restriction of a special playback for content), playback mode permitted in each of the special sections and an electronic signature. At least one of the special sections and the playback mode, which together write multiple sections with large amounts of data, are stored in a non-tamper-proof

memory. However, since the memory is not tamper-proof, at least one of the sections and the playback mode are assigned an electronic signature. The content key and usage condition, on the other hand, are stored in a tamper-proof security module of the terminal.

England generally relates to encrypted content that is produced by encrypting content based at least in part on a content key. The Examiner specifically cites paragraphs [0120], [0121] and [0145] – [0150] of England as disclosing the aforementioned features of the instant claimed invention. These paragraphs of England provide that a DRM system is used to render a piece of digital content and one or more licenses corresponding thereto. Each license includes a digital signature based on the content of the license, and if the content has been altered or modified, the license is deemed invalid. If a valid license is found, on the other hand, the DRM system determines whether the valid license gives the user the right to render the corresponding digital content. See, paragraphs [0120] and [0121]. Additionally, once the terms of the license have been negotiated and agreed upon, a black box public key and decryption key are used to encrypt and decrypt the digital content. See, paragraphs [0145] – [0150].

England fails, however, to disclose that at least one of the special sections and the playback mode are assigned an electronic signature and stored in a non-tamper-proof memory, and that the content key and the usage condition are stored in a tamper-proof security module. Rather, England discloses that the license server assigns a signature to a digital rights license (DRL). Such a DRL does not include large amounts of data and is therefore generally stored in a tamper-proof memory. This is in contrast to the instant claimed invention (for example, claims 38 and 39) which requires storing some information (e.g. at least one of the special sections and playback mode) in a non-tamper-proof memory, and other information (e.g. content key and usage condition) in a tamper-proof security module. As explained in the instant specification,

since the playback restriction is not described in the content itself, but rather in the playback control information, the content need not be held for each playback control. Moreover, since it is only necessary to store a relatively small amount of playback control information for each playback control, the storage in the terminal can be reduced in size. See, for example, paragraphs [0132] and [133] of the instant published application. That is, in conventional DRM systems such as England, usage conditions typically include restriction conditions related to the number of playback times, transfer, duplication, etc. In the instant claimed invention, in addition to these usage conditions, information is added that indicates whether playback is permitted based on playback control information. Significantly, this allows for playback based on playback control information to be performed by the terminal using usage conditions stored in the tamper-proof security module. Hence, altering or modifying the restriction or content information will not prevent the terminal from proper verification. See, for example, paragraphs [0062] and [0063] of the instant published application.

Since the recited structure and method are not disclosed in the applied prior art, either alone or in combination, claims 38 and 39 are allowable. Claims 27-30 and 40, depending from claim 38, and claims 35-37 and 41, depending from claim 39, are similarly allowable. Neither Nonaka nor Wang remedy the deficiencies of the England reference.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by

an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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